

REMARKS

Claims 4-9 and 19-21 are pending in this application. By this Amendment, claims 6, 19 and 20 are amended, claim 3 is canceled without prejudice to or disclaimer of the subject matter contained therein, and claim 21 is added. Support for claim 21 can be found, for example, in paragraph [0019] of the disclosure. No new matter is added.

I. Formal Matters

The Office Action rejects claims 6 and 9 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. By this Amendment, claim 6 has been amended to provide proper antecedent basis, and claim 9 has been amended to the sheet is braked to a reduced speed to more positively recite the claimed invention.

Thus, withdrawal of the rejection is respectfully requested.

II. The Claims Define Patentable Subject Matter

The Office Action rejects claims 3-9, 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over Deutscher Drucker (hereinafter "Drucker"). The rejection is respectfully traversed.

Applicants' claim 19 relates to a method of producing a newspaper having at least one section which is formed at least from one centrally folded printed sheet, the method including: a) printing the sheets which form a copy of the newspaper sequentially one after the other by using a digital printing machine, each of the sheets bears a different printing; b) feeding the sheets, that belong to the at least one individual section of the newspaper, continuously one by one to a first collecting station, the first sheet of the section being fed to the first collecting station after the preceding sheet stack has been conveyed away from the first collecting station; c) positioning the sheets, that belong to the at least one individual section of the newspaper, one above the other to form a sheet stack; d) conveying away the

sheet stack from the first collecting station; e) folding the sheet stack in order to produce the section; f) depositing the section on a second collecting station such that it comes to rest on an already deposited section; and g) repeating the steps b) to f) until all the sections of the newspaper have been completed and positioned one upon the other to form a section stack, wherein the section stack is folded in the center to form a newspaper consisting of at least one folded section.

Accordingly, Applicants' invention is directed to producing a newspaper that has the same appearance as a conventional printed newspaper (e.g., one printed with a rotary printing press), whereas Drucker fails to provide any connection with production of newspapers. Drucker merely relates to "Digitale Nischenprodukte", which are products printed in very small additions, and in small formats up to A3 size, which may have excess measures in height but not in width (page 45, first paragraph). In other words, Drucker discloses only individual, custom made brochures and scientific documentation, and not the production of newspapers. That is, Drucker falls within the category noted in paragraph [0006] of Applicants' specification.

Further, a newspaper cannot be regarded as a "Nischenprodukte", or niche product, because a newspaper is not a niche product, but a mass produced product. Newspapers are of different quality and format than the printed brochures which cannot exceed A3 format mentioned in Drucker. To produce a newspaper that looks the same as a conventional printed newspaper, sheets of approximately twice the A3 size format are printed and folded twice (e.g., when folding the sheet stack, and when folding the section stack). Thus, a newspaper is structurally and functionally produced differently from a niche product of Drucker.

Even if one was to regard a newspaper as a niche product (which is not the case), Drucker fails to disclose or render obvious the claimed invention. As shown in Figs. 1, 2 and 3 in Drucker, it is concerned with different applications of techniques which are related to

digital printing and processing. These applications are completely different from Applicants' invention. For example, Fig. 1 discloses a digital printing system with three distinct paths A, B, C. In path A, single A4 sheets are transported to deposit station D (D is a storage place which allows collecting a plurality of different printing jobs and separation of jobs). In path B, single A3 sheets are folded in the center and transported to the station D. In path C, A3 sheets are first collected, stapled, folded, and then cut and transported to the station D. Thus, the finished product shown at station D in Fig. 1 consists of a plurality of printed products, which cannot be identified with a newspaper (e.g., a single product). Drucker also fails to disclose or suggest the step of folding the section stack in the center. Thus, none of the production paths A-C in Fig. 1 discloses or renders obvious the claimed invention.

Fig. 2 in Drucker shows the production of stapled brochures with a stapler-collector having not single sheets, but signatures (i.e., bigger sheets multiply folded length and crosswise, see step 2) that are processed (i.e., collected, stapled and trimmed at the edges, see step 3). Accordingly, Fig 2 in Drucker also fails to disclose or render obvious production of a newspaper from a single sheet, as handling a signature as disclosed in Drucker is completely different from single sheet handling.

Fig. 3 in Drucker shows the production of stapled brochures with a single sheet collecting device. The sheets are printed before and stored in a plurality of storage drawers. From these drawers, the sheets are simultaneously transported to a collection location where they are stapled. The sheets are then folded and trimmed. Accordingly, Fig. 3 in Drucker also fails to disclose or render obvious the claimed invention, as the sheets are not printed sequentially one after the other. Further, the pile shown at the left hand side in Drucker consists of stapled products and cannot be identified with a section stack. Thus, Drucker also fails to disclose or suggest the folded section stack in the center.

With regards to claim 4, Drucker fails to disclose or suggest the sheets of the sheet stack are releaseably connected to one another in order to be conveyed away. Instead, Drucker discloses that the sheets are stapled which indicates a permanent attachment.

With regards to claim 5, Drucker fails to disclose or suggest at least one further printing product fed to the second collecting station. Instead, Drucker discloses the station D does not collect sections belonging to one and the same newspaper, but rather different products which are separated by a job separator.

With regards to claim 6, Drucker fails to disclose or suggest at least one further printed product fed to rest on a predetermined station as station D is not a predetermined station.

With regards to claim 7, Drucker explicitly excludes formats with a width of more than A3 format which is about 42 x 29 cm. Thus, there is no motivation to modify Drucker by using different formats.

With regards to claim 8, the Examiner admitted, on page 4 in the Office Action that Drucker does not disclose the different velocities, and stated that it would have been obvious to modify Drucker with the different velocities. However, it is respectfully submitted that the claimed invention is not obvious as Drucker discloses a different approach which is job separation by appropriate means at station D.

With regards to claim 9, Drucker fails to disclose or suggest the sheet is braked to a reduced speed before being deposited in the first collecting station as Drucker fails to disclose or even mention the reduction of the speed of the sheet.

For at least these reasons, Applicants respectfully submit that Drucker fails to disclose or render obvious the features recited in independent claims 19 and 20. Claims 4-9 and 21, which depend from independent claim 19 are likewise distinguished over the applied art for at

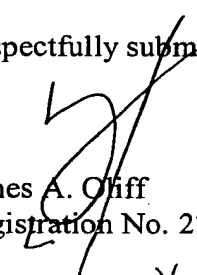
least the reasons discussed, as well as for the additional features they recite. Reconsideration and withdrawal of the rejection under 35 U.S.C. §103 are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 4-9 and 19-21 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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JAO:DJC/brc

Attachment:
Petition for Extension of Time

Date: April 22, 2004

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